

## § 960.203

part and the deconcentration requirements found in part 903 of this chapter.

(2) *Credit for admissions to PHA voucher program.* (i) If admissions of extremely low income families to the PHA's voucher program during a PHA fiscal year exceeds the 75 percent minimum targeting requirement for the PHA's voucher program (see § 982.201(b)(2) of this chapter), such excess shall be credited (subject to the limitations in paragraph (b)(2)(ii) of this section) against the PHA's basic targeting requirement for the same fiscal year.

(ii) The fiscal year credit for voucher program admissions that exceed the minimum voucher program targeting requirement shall not exceed the lower of:

(A) Ten percent of public housing waiting list admissions during the PHA fiscal year;

(B) Ten percent of waiting list admission to the PHA's Section 8 tenant-based assistance program during the PHA fiscal year; or

(C) The number of qualifying low income families who commence occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low income family means a low income family other than an extremely low income family.

(c) *Income used for eligibility and targeting.* Family annual income (see § 5.609) is used both for determination of income eligibility under paragraph (a) and for PHA income targeting under paragraph (b) of this section.

(d) *Reporting.* The PHA must comply with HUD-prescribed reporting requirements that will permit HUD to maintain the data, as determined by HUD, necessary to monitor compliance with income eligibility and targeting requirement.

[65 FR 16725, Mar. 29, 2000]

EFFECTIVE DATE NOTE: At 65 FR 16725, Mar. 29, 2000, § 960.202 was revised, effective Apr. 28, 2000. For the convenience of the user, the superseded text is set forth as follows:

### § 960.202 Applicability.

This subpart is applicable to all dwelling units assisted under the U.S. Housing Act of 1937 in projects owned by or leased to PHAs

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and leased or subleased by PHAs to tenants, and is not applicable to Section 23 and Section 10(c) leased housing projects, the Section 23 Housing Assistance Payments Program, and the Section 8 Housing Assistance Payments Program where the owners enter into leases directly with the tenants. This subpart is not applicable to the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), to the Mutual Help Homeownership Opportunities Program, or to Indian Tribal Housing Authorities.

### § 960.203 [Reserved]

### § 960.204 Tenant selection policies.

(a) *Selection policies.* (1) The PHA shall establish and adopt written policies for admission of tenants.

(2) These policies shall be designed:

(i) To provide for deconcentration and income-mixing in accordance with the PHA plan (see § 903.7 of this title).

(ii) To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment;

(iii) To establish objective and reasonable policies for selection by the PHA among otherwise eligible applicants.

(3) The PHA tenant selection policies shall include the following:

(i) Requirements for applications and waiting lists (see 24 CFR 1.4);

(ii) Description of the policies for selection of applicants from the waiting list;

(iii) Policies for verification and documentation of information relevant to acceptance or rejection of an applicant, including documentation and verification of citizenship and eligible immigration status under 24 CFR part 5; and

(iv) Policies for participant transfer between units, projects, and programs. For example, a PHA could adopt a criterion for voluntary transfer that the tenant had met all obligations under the current program, including payment of charges to the PHA.

(b) These selection policies shall:

(1) Be duly adopted; and

(2) Be publicized by posting copies thereof in each office where applications are received and by furnishing copies to applicants or tenants upon request, free or at their expense, at the discretion of the PHA.

(c) Such policies shall be submitted to the HUD field office upon request from that office.

[59 FR 36655, July 18, 1994, as amended at 60 FR 14861, Mar. 20, 1995; 61 FR 9048, Mar. 6, 1996; 61 FR 13626, Mar. 27, 1996; 65 FR 16725, Mar. 29, 2000]

EFFECTIVE DATE NOTE: At 65 FR 16725, Mar. 29, 2000, § 960.204 was amended by revising paragraph (a)(2)(i), removing paragraph (a)(2)(iii) and redesignating (a)(2)(iv) as the new (a)(2)(iii), inserting a semicolon after "waiting list" in paragraph (a)(3)(ii), and removing paragraphs (a)(3)(ii)(A) through (D), effective Apr. 28, 2000. For the convenience of the user, the superseded text is set forth as follows:

**§ 960.204 Tenant selection policies.**

(a) \* \* \*

(2) \* \* \*

(i) To attain, to the maximum extent feasible, a tenant body in each project that is composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families with serious social problems;

\* \* \* \* \*

(iii) To give a preference in selection of tenants to applicants who qualify for a federal preference, ranking preference, or local preference, in accordance with 24 CFR part 5; and

\* \* \* \* \*

(3) \* \* \*

(ii) \* \* \*

(A) How the "federal preferences" (described in 24 CFR part 5) will be used;

(B) How any "ranking preferences" (described in 24 CFR part 5) will be used;

(C) How any "local preferences" (described in 24 CFR part 5) will be used; and

(D) How any residency preference will be used;

\* \* \* \* \*

**§ 960.205 Standards for PHA tenant selection criteria.**

(a) The tenant selection criteria to be established and information to be considered shall be reasonably related to individual attributes and behavior of an applicant and shall not be related to those which may be imputed to a particular group or category of persons of which an applicant may be a member. The PHA may use preferences based on

the employment status of family members.

(b) In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the PHA is responsible for screening family behavior and suitability for tenancy. The PHA may consider all relevant information, which may include, but is not limited to:

(1) An applicant's past performance in meeting financial obligations, especially rent;

(2) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants; and

(3) A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

(c) The requirements with respect to deconcentrating poverty and producing a mix of incomes in the PHA's public housing developments are found in the PHA Plan rule, at part 903 of this title.

(d) In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. For example:

(1) Evidence of rehabilitation;

(2) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs;

(3) Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

[40 FR 33446, Aug. 8, 1975. Redesignated at 49 FR 6714, Feb. 23, 1984, and amended at 49 FR 21492, May 21, 1984; 50 FR 9269, Mar. 7, 1985; 59 FR 36656, July 18, 1994; 61 FR 9048, Mar. 6, 1996; 65 FR 16725, Mar. 29, 2000]

EFFECTIVE DATE NOTE: At 65 FR 16726, Mar. 29, 2000, § 960.205 was amended by revising paragraphs (b) introductory text and (c), effective Apr. 28, 2000. For the convenience of the user, the superseded text is set forth as follows: